

[As Amended by House Committee of the Whole]

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2880

By Committee on Judiciary

2-10

12 AN ACT concerning the Kansas law enforcement training ~~center act;~~
13 **relating to the Kansas commission on peace officers' standards**
14 **and training;** relating to docket fees; ~~income tax credits;~~ amending
15 **K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606, 74-5607a, 74-**
16 **5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and**
17 **K.S.A. 2005 Supp. 12-4117, 20-362 and, 21-4619, 22-4604, 28-172a,**
18 **74-5602, 74-5605, 74-5607 and 74-5611a** and repealing the existing
19 sections.
20

21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. K.S.A. 2005 Supp. 12-4117 is hereby amended to read as
23 follows: 12-4117. (a) In each case filed in municipal court charging a crime
24 other than a nonmoving traffic violation, where there is a finding of guilty
25 or a plea of guilty, a plea of no contest, forfeiture of bond or a diversion,
26 a sum in an amount of ~~\$9~~ \$19 shall be assessed and such assessment shall
27 be credited as follows:

28 One dollar to the local law enforcement training reimbursement fund
29 established pursuant to K.S.A. 74-5620, and amendments thereto, ~~\$4~~ ~~\$14~~
30 **\$11.50** to the law enforcement training center fund established pursuant
31 to K.S.A. 74-5619, and amendments thereto, **\$2.50 to the Kansas com-**
32 **mission on peace officers' standards and training fund established**
33 **by K.S.A. 74-5619, and amendments thereto,** \$2 to the juvenile de-
34 tention facilities fund established pursuant to K.S.A. 79-4803, and amend-
35 ments thereto, to be expended for operational costs of facilities for the
36 detention of juveniles, \$.50 to the protection from abuse fund established
37 pursuant to K.S.A. 74-7325, and amendments thereto, \$.50 to the crime
38 victims assistance fund established pursuant to K.S.A. 74-7334, and
39 amendments thereto and \$1 to the trauma fund established pursuant to
40 K.S.A. 2005 Supp. 75-5670, and amendments thereto.

41 (b) The judge or clerk of the municipal court shall remit the appro-
42 priate assessments received pursuant to this section to the state treasurer
43 in accordance with the provisions of K.S.A. 75-4215, and amendments

1 thereto. Upon receipt of each such remittance, the state treasurer shall
2 deposit the entire amount in the state treasury to the credit of the local
3 law enforcement training reimbursement fund, the law enforcement
4 training center fund, **the Kansas commission on peace officers' stan-**
5 **standards and training fund**, the juvenile detention facilities fund, the
6 crime victims assistance fund and the trauma fund as provided in this
7 section.

8 (c) For the purpose of determining the amount to be assessed ac-
9 cording to this section, if more than one complaint is filed in the municipal
10 court against one individual arising out of the same incident, all such
11 complaints shall be considered as one case.

12 Sec. 2. K.S.A. 2005 Supp. 20-362 is hereby amended to read as fol-
13 lows: 20-362. The clerk of the district court shall remit all revenues re-
14 ceived from docket fees as follows:

15 (a) At least monthly to the county treasurer, for deposit in the county
16 treasury and credit to the county general fund:

17 (1) A sum equal to \$10 for each docket fee paid pursuant to K.S.A.
18 60-2001 and 60-3005, and amendments thereto, during the preceding
19 calendar month;

20 (2) a sum equal to \$10 for each ~~\$36.50~~ \$46 or ~~\$61.50~~ \$76 docket fee
21 paid pursuant to K.S.A. 61-4001, or K.S.A. 61-2704 or 61-2709, and
22 amendments thereto; and

23 (3) a sum equal to \$5 for each ~~\$19.50~~ \$26 docket fee paid pursuant
24 to K.S.A. 61-4001 or K.S.A. 61-2704, and amendments thereto, during
25 the preceding calendar month.

26 (b) At least monthly to the board of trustees of the county law library
27 fund, for deposit in the fund, a sum equal to the library fees paid during
28 the preceding calendar month for cases filed in the county.

29 (c) At least monthly to the county treasurer, for deposit in the county
30 treasury and credit to the prosecuting attorneys' training fund, a sum
31 equal to \$1 for each docket fee paid pursuant to K.S.A. 28-172a, and
32 amendments thereto, during the preceding calendar month for cases filed
33 in the county and for each fee paid pursuant to subsection (c) of K.S.A.
34 28-170, and amendments thereto, during the preceding calendar month
35 for cases filed in the county.

36 (d) To the state treasurer, in accordance with the provisions of K.S.A.
37 75-4215, and amendments thereto, for deposit in the state treasury and
38 credit to the indigents' defense services fund, a sum equal to \$.50 for
39 each docket fee paid pursuant to K.S.A. 28-172a and subsection (d) of
40 K.S.A. 28-170, and amendments thereto, during the preceding calendar
41 month.

42 (e) To the state treasurer, in accordance with the provisions of K.S.A.
43 75-4215, and amendments thereto, for deposit in the state treasury and

1 credit to the law enforcement training center fund a sum equal to ~~\$9~~ \$15
2 for each docket fee paid pursuant to K.S.A. 28-172a, and amendments
3 thereto, during the preceding calendar month.

4 (f) To the state treasurer, in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto, for deposit in the state treasury and
6 distribution according to K.S.A. 20-367, and amendments thereto, a sum
7 equal to the balance which remains from all docket fees paid during the
8 preceding calendar month after deduction of the amounts specified in
9 subsections (a), (b), (c), (d) and (e).

10 Sec. 3. K.S.A. 2005 Supp. 28-172a is hereby amended to read as
11 follows: 28-172a. (a) Except as otherwise provided in this section, when-
12 ever the prosecuting witness or defendant is adjudged to pay the costs in
13 a criminal proceeding in any county, a docket fee shall be taxed as follows:

14	Murder or manslaughter.....	\$164.50 \$170.50
15	Other felony.....	147.00 153.00
16	Misdemeanor.....	112.00 118.00
17	Forfeited recognizance.....	62.50 68.50 62.50
18	Appeals from other courts.....	62.50 68.50 62.50

19 (b) (1) Except as provided in paragraph (2), in actions involving the
20 violation of any of the laws of this state regulating traffic on highways
21 (including those listed in subsection (c) of K.S.A. 8-2118, and amend-
22 ments thereto), a cigarette or tobacco infraction, any act declared a crime
23 pursuant to the statutes contained in chapter 32 of Kansas Statutes An-
24 notated and amendments thereto or any act declared a crime pursuant
25 to the statutes contained in article 8 of chapter 82a of the Kansas Statutes
26 Annotated, and amendments thereto, whenever the prosecuting witness
27 or defendant is adjudged to pay the costs in the action, a docket fee of
28 ~~\$55~~ \$61 shall be charged. When an action is disposed of under subsections
29 (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and
30 amendments thereto, whether by mail or in person, the docket fee to be
31 paid as court costs shall be ~~\$55~~ \$61.

32 (2) In actions involving the violation of a moving traffic violation un-
33 der K.S.A. 8-2118, and amendments thereto, as defined by rules and
34 regulations adopted under K.S.A. 8-249, and amendments thereto, when-
35 ever the prosecuting witness or defendant is adjudged to pay the costs in
36 the action, a docket fee of ~~\$55~~ \$61 shall be charged. When an action is
37 disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amend-
38 ments thereto, whether by mail or in person, the docket fee to be paid
39 as court costs shall be ~~\$55~~ \$61.

40 (c) If a conviction is on more than one count, the docket fee shall be
41 the highest one applicable to any one of the counts. The prosecuting
42 witness or defendant, if assessed the costs, shall pay only one fee. Multiple
43 defendants shall each pay one fee.

1 (d) Statutory charges for law library funds, the law enforcement train-
2 ing center fund, the prosecuting attorneys' training fund, the juvenile
3 detention facilities fund, the judicial branch education fund, the emer-
4 gency medical services operating fund and the judiciary technology fund
5 shall be paid from the docket fee; the family violence and child abuse and
6 neglect assistance and prevention fund fee shall be paid from criminal
7 proceedings docket fees. All other fees and expenses to be assessed as
8 additional court costs shall be approved by the court, unless specifically
9 fixed by statute. Additional fees shall include, but are not limited to, fees
10 for Kansas bureau of investigation forensic or laboratory analyses, fees for
11 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
12 ments thereto, fees for the sexual assault evidence collection kit, fees for
13 conducting an examination of a sexual assault victim, fees for service of
14 process outside the state, witness fees, fees for transcripts and depositions,
15 costs from other courts, doctors' fees and examination and evaluation
16 fees. No sheriff in this state shall charge any district court of this
17 state a fee or mileage for serving any paper or process.

18 (e) In each case charging a violation of the laws relating to parking
19 of motor vehicles on the statehouse grounds or other state-owned or
20 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
21 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
22 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
23 the entire costs in the case, except that witness fees, mileage and expenses
24 incurred in serving a warrant shall be in addition to the fee. Appearance
25 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
26 ments thereto, shall be \$3, unless a warrant is issued. The judge may
27 order the bond forfeited upon the defendant's failure to appear, and \$2
28 of any bond so forfeited shall be regarded as court costs.

29 **Sec. 4. K.S.A. 12-1,120 is hereby amended to read as follows:**
30 **12-1,120. (a) ~~Before January 1, 1988, Each person holding office as~~ Each person holding office as**
31 **chief of police of any city in this state on the effective date of this act**
32 **shall be fingerprinted as provided by this section.**

33 **(b) Before assuming the office of chief of police of any city in**
34 **this state, a person shall be fingerprinted as provided by this sec-**
35 **tion.**

36 **(c) Fingerprinting pursuant to this section shall be done by the**
37 **law enforcement agency of the city in the presence of the city**
38 **clerk. The city clerk shall forthwith forward the fingerprints to the**
39 **Kansas bureau of investigation for a search of state and national**
40 **fingerprint files to determine whether the person qualifies for ad-**
41 **mission to the law enforcement training center pursuant to sub-**
42 **section ~~(e)~~ (a)(3) of K.S.A. 74-5605 and amendments thereto. The**
43 **Kansas bureau of investigation shall certify any conviction record**

- 1 of the person, or lack thereof, found as a result of such search to
2 the city clerk and, if such a record is found, to the attorney general.
- 3 (d) Fingerprints taken and submitted pursuant to this section
4 shall be on forms approved by the attorney general.
- 5 (e) The cost of a search of fingerprint files pursuant to this
6 section shall be paid by the person being fingerprinted.
- 7 Sec. 5. K.S.A. 2005 Supp. 21-4619 is hereby amended to read
8 as follows: 21-4619. (a) (1) Except as provided in subsections (b)
9 and (c), any person convicted in this state of a traffic infraction,
10 cigarette or tobacco infraction, misdemeanor or a class D or E
11 felony, or for crimes committed on or after July 1, 1993, nondrug
12 crimes ranked in severity levels 6 through 10 or any felony ranked
13 in severity level 4 of the drug grid, may petition the convicting
14 court for the expungement of such conviction or related arrest
15 records if three or more years have elapsed since the person: (A)
16 Satisfied the sentence imposed; or (B) was discharged from pro-
17 bation, a community correctional services program, parole, post-
18 release supervision, conditional release or a suspended sentence.
- 19 (2) Except as provided in subsections (b) and (c), any person
20 who has fulfilled the terms of a diversion agreement may petition
21 the district court for the expungement of such diversion agree-
22 ment and related arrest records if three or more years have
23 elapsed since the terms of the diversion agreement were fulfilled.
- 24 (b) Except as provided in subsection (c), no person may petition
25 for expungement until five or more years have elapsed since the
26 person satisfied the sentence imposed, the terms of a diversion
27 agreement or was discharged from probation, a community cor-
28 rectional services program, parole, postrelease supervision, con-
29 ditional release or a suspended sentence, if such person was con-
30 victed of a class A, B or C felony, or for crimes committed on or
31 after July 1, 1993, if convicted of an off-grid felony or any nondrug
32 crime ranked in severity levels 1 through 5 or any felony ranked
33 in severity levels 1 through 3 of the drug grid, or:
- 34 (1) Vehicular homicide, as defined by K.S.A. 21-3405, and
35 amendments thereto, or as prohibited by any law of another state
36 which is in substantial conformity with that statute;
- 37 (2) a violation of K.S.A. 8-1567, and amendments thereto, or a
38 violation of any law of another state, which declares to be unlawful
39 the acts prohibited by that statute;
- 40 (3) driving while the privilege to operate a motor vehicle on
41 the public highways of this state has been canceled, suspended or
42 revoked, as prohibited by K.S.A. 8-262, and amendments thereto,
43 or as prohibited by any law of another state which is in substantial

- 1 conformity with that statute;
- 2 (4) perjury resulting from a violation of K.S.A. 8-261a, and
3 amendments thereto, or resulting from the violation of a law of
4 another state which is in substantial conformity with that statute;
- 5 (5) violating the provisions of the fifth clause of K.S.A. 8-142,
6 and amendments thereto, relating to fraudulent applications or
7 violating the provisions of a law of another state which is in sub-
8 substantial conformity with that statute;
- 9 (6) any crime punishable as a felony wherein a motor vehicle
10 was used in the perpetration of such crime;
- 11 (7) failing to stop at the scene of an accident and perform the
12 duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amend-
13 ments thereto, or required by a law of another state which is in
14 substantial conformity with those statutes;
- 15 (8) violating the provisions of K.S.A. 40-3104, and amendments
16 thereto, relating to motor vehicle liability insurance coverage; or
- 17 (9) a violation of K.S.A. 21-3405b, prior to its repeal.
- 18 (c) There shall be no expungement of convictions for the fol-
19 lowing offenses or of convictions for an attempt to commit any of
20 the following offenses: (1) Rape as defined in K.S.A. 21-3502, and
21 amendments thereto; (2) indecent liberties with a child as defined
22 in K.S.A. 21-3503, and amendments thereto; (3) aggravated inde-
23 cent liberties with a child as defined in K.S.A. 21-3504, and amend-
24 ments thereto; (4) criminal sodomy as defined in subsection (a)(2)
25 or (a)(3) of K.S.A. 21-3505, and amendments thereto; (5) aggra-
26 vated criminal sodomy as defined in K.S.A. 21-3506, and amend-
27 ments thereto; (6) indecent solicitation of a child as defined in
28 K.S.A. 21-3510, and amendments thereto; (7) aggravated indecent
29 solicitation of a child as defined in K.S.A. 21-3511, and amend-
30 ments thereto; (8) sexual exploitation of a child as defined in K.S.A.
31 21-3516, and amendments thereto; (9) aggravated incest as de-
32 fined in K.S.A. 21-3603, and amendments thereto; (10) endanger-
33 ing a child as defined in K.S.A. 21-3608, and amendments thereto;
34 (11) abuse of a child as defined in K.S.A. 21-3609, and amendments
35 thereto; (12) capital murder as defined in K.S.A. 21-3439, and
36 amendments thereto; (13) murder in the first degree as defined in
37 K.S.A. 21-3401, and amendments thereto; (14) murder in the sec-
38 ond degree as defined in K.S.A. 21-3402, and amendments thereto;
39 (15) voluntary manslaughter as defined in K.S.A. 21-3403, and
40 amendments thereto; (16) involuntary manslaughter as defined in
41 K.S.A. 21-3404, and amendments thereto; (17) involuntary man-
42 slaughter while driving under the influence of alcohol or drugs as
43 defined in K.S.A. 2005 Supp. 21-3442, and amendments thereto;

1 (18) sexual battery as defined in K.S.A. 21-3517, and amendments
2 thereto, when the victim was less than 18 years of age at the time
3 the crime was committed; (19) aggravated sexual battery as de-
4 fined in K.S.A. 21-3518, and amendments thereto; or (20) any con-
5 viction for any offense in effect at any time prior to the effective
6 date of this act, that is comparable to any offense as provided in
7 this subsection.

8 (d) When a petition for expungement is filed, the court shall
9 set a date for a hearing of such petition and shall cause notice of
10 such hearing to be given to the prosecuting attorney and the ar-
11 resting law enforcement agency. The petition shall state: (1) The
12 defendant's full name;

13 (2) the full name of the defendant at the time of arrest, con-
14 viction or diversion, if different than the defendant's current
15 name;

16 (3) the defendant's sex, race and date of birth;

17 (4) the crime for which the defendant was arrested, convicted
18 or diverted;

19 (5) the date of the defendant's arrest, conviction or diversion;
20 and

21 (6) the identity of the convicting court, arresting law enforce-
22 ment authority or diverting authority. There shall be no docket fee
23 for filing a petition pursuant to this section. All petitions for
24 expungement shall be docketed in the original criminal action. Any
25 person who may have relevant information about the petitioner
26 may testify at the hearing. The court may inquire into the back-
27 ground of the petitioner and shall have access to any reports or
28 records relating to the petitioner that are on file with the secretary
29 of corrections or the Kansas parole board.

30 (e) At the hearing on the petition, the court shall order the
31 petitioner's arrest record, conviction or diversion expunged if the
32 court finds that:

33 (1) The petitioner has not been convicted of a felony in the past
34 two years and no proceeding involving any such crime is presently
35 pending or being instituted against the petitioner;

36 (2) the circumstances and behavior of the petitioner warrant
37 the expungement; and

38 (3) the expungement is consistent with the public welfare.

39 (f) When the court has ordered an arrest record, conviction or
40 diversion expunged, the order of expungement shall state the in-
41 formation required to be contained in the petition. The clerk of
42 the court shall send a certified copy of the order of expungement
43 to the Kansas bureau of investigation which shall notify the federal

1 bureau of investigation, the secretary of corrections and any other
2 criminal justice agency which may have a record of the arrest,
3 conviction or diversion. After the order of expungement is entered,
4 the petitioner shall be treated as not having been arrested, con-
5 victed or diverted of the crime, except that:

6 (1) Upon conviction for any subsequent crime, the conviction
7 that was expunged may be considered as a prior conviction in de-
8 termining the sentence to be imposed;

9 (2) the petitioner shall disclose that the arrest, conviction or
10 diversion occurred if asked about previous arrests, convictions or
11 diversions:

12 (A) In any application for licensure as a private detective, pri-
13 vate detective agency, certification as a firearms trainer pursuant
14 to K.S.A. 2005 Supp. 75-7b21, and amendments thereto, or em-
15 ployment as a detective with a private detective agency, as defined
16 by K.S.A. 75-7b01, and amendments thereto; as security personnel
17 with a private patrol operator, as defined by K.S.A. 75-7b01, and
18 amendments thereto; or with an institution, as defined in K.S.A.
19 76-12a01, and amendments thereto, of the department of social
20 and rehabilitation services;

21 (B) in any application for admission, or for an order of rein-
22 statement, to the practice of law in this state;

23 (C) to aid in determining the petitioner's qualifications for em-
24 ployment with the Kansas lottery or for work in sensitive areas
25 within the Kansas lottery as deemed appropriate by the executive
26 director of the Kansas lottery;

27 (D) to aid in determining the petitioner's qualifications for ex-
28 ecutive director of the Kansas racing commission, for employment
29 with the commission or for work in sensitive areas in parimutuel
30 racing as deemed appropriate by the executive director of the
31 commission, or to aid in determining qualifications for licensure
32 or renewal of licensure by the commission;

33 (E) upon application for a commercial driver's license under
34 K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

35 (F) to aid in determining the petitioner's qualifications to be
36 an employee of the state gaming agency;

37 (G) to aid in determining the petitioner's qualifications to be
38 an employee of a tribal gaming commission or to hold a license
39 issued pursuant to a tribal-state gaming compact;

40 (H) in any application for registration as a broker-dealer,
41 agent, investment adviser or investment adviser representative all
42 as defined in K.S.A. 2005 Supp. 17-12a102, and amendments
43 thereto; or

- 1 (I) in any application for employment as a law enforcement
2 officer as defined in K.S.A. 22-2202 or 74-5602, and amendments
3 thereto;
- 4 (3) the court, in the order of expungement, may specify other
5 circumstances under which the conviction is to be disclosed;
- 6 (4) the conviction may be disclosed in a subsequent prosecu-
7 tion for an offense which requires as an element of such offense a
8 prior conviction of the type expunged; and
- 9 (5) upon commitment to the custody of the secretary of cor-
10 rections, any previously expunged record in the possession of the
11 secretary of corrections may be reinstated and the expungement
12 disregarded, and the record continued for the purpose of the new
13 commitment.
- 14 (g) Whenever a person is convicted of a crime, pleads guilty
15 and pays a fine for a crime, is placed on parole, postrelease su-
16 pervision or probation, is assigned to a community correctional
17 services program, is granted a suspended sentence or is released
18 on conditional release, the person shall be informed of the ability
19 to expunge the arrest records or conviction. Whenever a person
20 enters into a diversion agreement, the person shall be informed of
21 the ability to expunge the diversion.
- 22 (h) Subject to the disclosures required pursuant to subsection
23 (f), in any application for employment, license or other civil right
24 or privilege, or any appearance as a witness, a person whose arrest
25 records, conviction or diversion of a crime has been expunged un-
26 der this statute may state that such person has never been arrested,
27 convicted or diverted of such crime, but the expungement of a
28 felony conviction does not relieve an individual of complying with
29 any state or federal law relating to the use or possession of firearms
30 by persons convicted of a felony.
- 31 (i) Whenever the record of any arrest, conviction or diversion
32 has been expunged under the provisions of this section or under
33 the provisions of any other existing or former statute, the custodian
34 of the records of arrest, conviction, diversion and incarceration
35 relating to that crime shall not disclose the existence of such re-
36 cords, except when requested by:
- 37 (1) The person whose record was expunged;
- 38 (2) a private detective agency or a private patrol operator, and
39 the request is accompanied by a statement that the request is being
40 made in conjunction with an application for employment with such
41 agency or operator by the person whose record has been ex-
42 punged;
- 43 (3) a court, upon a showing of a subsequent conviction of the

- 1 person whose record has been expunged;
- 2 (4) the secretary of social and rehabilitation services, or a des-
3 ignee of the secretary, for the purpose of obtaining information
4 relating to employment in an institution, as defined in K.S.A. 76-
5 12a01, and amendments thereto, of the department of social and
6 rehabilitation services of any person whose record has been ex-
7 punged;
- 8 (5) a person entitled to such information pursuant to the terms
9 of the expungement order;
- 10 (6) a prosecuting attorney, and such request is accompanied by
11 a statement that the request is being made in conjunction with a
12 prosecution of an offense that requires a prior conviction as one
13 of the elements of such offense;
- 14 (7) the supreme court, the clerk or disciplinary administrator
15 thereof, the state board for admission of attorneys or the state
16 board for discipline of attorneys, and the request is accompanied
17 by a statement that the request is being made in conjunction with
18 an application for admission, or for an order of reinstatement, to
19 the practice of law in this state by the person whose record has
20 been expunged;
- 21 (8) the Kansas lottery, and the request is accompanied by a
22 statement that the request is being made to aid in determining
23 qualifications for employment with the Kansas lottery or for work
24 in sensitive areas within the Kansas lottery as deemed appropriate
25 by the executive director of the Kansas lottery;
- 26 (9) the governor or the Kansas racing commission, or a desig-
27 nee of the commission, and the request is accompanied by a state-
28 ment that the request is being made to aid in determining quali-
29 fications for executive director of the commission, for employment
30 with the commission, for work in sensitive areas in parimutuel rac-
31 ing as deemed appropriate by the executive director of the com-
32 mission or for licensure, renewal of licensure or continued licen-
33 sure by the commission;
- 34 (10) the Kansas sentencing commission;
- 35 (11) the state gaming agency, and the request is accompanied
36 by a statement that the request is being made to aid in determining
37 qualifications: (A) To be an employee of the state gaming agency;
38 or (B) to be an employee of a tribal gaming commission or to hold
39 a license issued pursuant to a tribal-gaming compact;
- 40 (12) the Kansas securities commissioner or a designee of the
41 commissioner, and the request is accompanied by a statement that
42 the request is being made in conjunction with an application for
43 registration as a broker-dealer, agent, investment adviser or in-

1 vestment adviser representative by such agency and the applica-
2 tion was submitted by the person whose record has been ex-
3 punged;

4 (13) ~~the Kansas law enforcement training commission on peace~~
5 ~~officers' standards and training~~ and the request is accompanied by a
6 statement that the request is being made to aid in determining
7 certification eligibility as a law enforcement officer pursuant to
8 K.S.A. 74-5601 et seq., and amendments thereto; or

9 (14) a law enforcement agency and the request is accompanied
10 by a statement that the request is being made to aid in determining
11 eligibility for employment as a law enforcement officer as defined
12 by K.S.A. 22-2202, and amendments thereto.

13 Sec. 6. K.S.A. 2005 Supp. 22-4604 is hereby amended to read
14 as follows: 22-4604. (a) The governor, with the assistance of the
15 attorney general and the ~~Kansas law enforcement training commis-~~
16 ~~sion on peace officers' standards and training~~, shall develop a request
17 for a proposal for a system to collect and report statistics relating
18 to the race, ethnicity, gender, age and residency by county and
19 state of those who come in contact with law enforcement activities.

20 (b) Proposals submitted pursuant to the request shall contain,
21 at a minimum:

22 (1) A system to collect data on a statistically significant sample
23 of those persons who:

24 (A) Are arrested;

25 (B) while operating a motor vehicle, are stopped by a law en-
26 forcement officer; and

27 (C) while a pedestrian, are stopped by a law enforcement of-
28 ficer;

29 (2) which contains the race, ethnicity, gender, age and resi-
30 dency by county and state of such persons;

31 (3) which has a schedule and plan of implementation, including
32 training;

33 (4) other factors which may be relevant to law enforcement
34 officers in stopping or arresting individuals;

35 (5) civilian complaints received by law enforcement agencies
36 alleging bias based on race, ethnicity, gender, age or residency by
37 county or state; and

38 (6) a survey of policies of law enforcement agencies relating to
39 the investigation of complaints based on alleged race, ethnicity,
40 gender, age or residency bias.

41 (c) Data acquired pursuant to this proposal shall not contain
42 any information that may reveal the identity of any individual.

43 (d) The governor, with the assistance of the attorney general,

1 shall select the most comprehensive proposal and implement such
2 proposal, subject to the availability of any grant or grants for such
3 purpose from the United States department of justice or any other
4 governmental or private agency.

5 (e) The results of such study shall be submitted to the governor
6 and attorney general within 90 days after conclusion of such study.
7 The governor shall submit the study to the legislature with one or
8 more of the following:

9 (1) An evaluation of the study;

10 (2) an implementation plan to expand the data collection and
11 reporting system to other law enforcement agencies and whether
12 such system should be made permanent; and

13 (3) recommendations to improve law enforcement training and
14 operations to address racial, ethnic, gender, age or residency bias.

15 Sec. 7. K.S.A. 2005 Supp. 74-5602 is hereby amended to read
16 as follows: 74-5602. As used in the Kansas law enforcement train-
17 ing act:

18 (a) “Training center” means the law enforcement training cen-
19 ter within the division of continuing education of the university of
20 Kansas, created by K.S.A. 74-5603 and amendments thereto.

21 (b) “Commission” means the ~~Kansas law enforcement training~~
22 ~~commission on peace officers’ standards and training~~, created by
23 K.S.A. 74-5606 and amendments thereto.

24 (c) “Dean” means the dean of ~~the division of continuing edu-~~
25 ~~cation of the university of Kansas.~~

26 (d) “Director,” ~~as created in K.S.A. 74-5603 and amendments~~
27 ~~thereto, of police training” means the director of police training at~~
28 ~~the law enforcement training center.~~

29 (e) “Director” means the executive director of the Kansas commission
30 on peace officers’ standards and training.

31 (f) “Law enforcement” means the prevention or detection of
32 crime and the enforcement of the criminal or traffic laws of this
33 state or of any municipality thereof.

34 (g) “Police officer” or “law enforcement officer” means a
35 full-time or part-time salaried officer or employee of the state, a
36 county or a city, whose duties include the prevention or detection
37 of crime and the enforcement of the criminal or traffic laws of this
38 state or of any municipality thereof. Such terms shall include, but
39 not be limited to, the sheriff, undersheriff and full-time or part-
40 time salaried deputies in the sheriff’s office in each county; deputy
41 sheriffs deputized pursuant to K.S.A. 19-2858 and amendments
42 thereto; conservation officers of the Kansas department of wildlife
43 and parks; university police officers, as defined in K.S.A. 22-2401a,

1 and amendments thereto; campus police officers, as defined in
2 K.S.A. 22-2401a, and amendments thereto; law enforcement
3 agents of the director of alcoholic beverage control; law enforce-
4 ment agents of the Kansas lottery; law enforcement agents of the
5 Kansas racing commission; deputies and assistants of the state fire
6 marshal having law enforcement authority; capitol area security
7 guards, existing under the authority of K.S.A. 75-4503 and amend-
8 ments thereto. Such terms shall also include railroad policemen
9 appointed pursuant to K.S.A. 66-524 and amendments thereto; ~~and~~
10 school security officers designated as school law enforcement of-
11 ficers pursuant to K.S.A. 72-8222 and amendments thereto; *and the*
12 *director of the Kansas commission on peace officers' standards and train-*
13 *ing and any other employee of such commission designated by the director*
14 *pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforce-*
15 *ment officer.* Such terms shall not include any elected official, other
16 than a sheriff, serving in the capacity of a law enforcement or po-
17 lice officer solely by virtue of such official's elected position; any
18 attorney-at-law having responsibility for law enforcement and dis-
19 charging such responsibility solely in the capacity of an attorney;
20 any employee of the commissioner of juvenile justice, the secretary
21 of corrections or the secretary of social and rehabilitation services;
22 any deputy conservation officer of the Kansas department of wild-
23 life and parks; or any employee of a city or county who is employed
24 solely to perform correctional duties related to jail inmates and
25 the administration and operation of a jail; or any full-time or part-
26 time salaried officer or employee whose duties include the issu-
27 ance of a citation or notice to appear provided such officer or em-
28 ployee is not vested by law with the authority to make an arrest
29 for violation of the laws of this state or any municipality thereof,
30 and is not authorized to carry firearms when discharging the duties
31 of such person's office or employment. Such term shall include any
32 officer appointed or elected on a provisional basis.

33 ~~(g)~~ (h) "Full-time" means employment requiring at least 1,000
34 hours of law enforcement related work per year.

35 ~~(h)~~ (i) "Part-time" means employment on a regular schedule or
36 employment which requires a minimum number of hours each
37 payroll period, but in any case requiring less than 1,000 hours of
38 law enforcement related work per year.

39 ~~(i)~~ (j) "Misdemeanor crime of domestic violence" means a vi-
40 olation of domestic battery as provided by K.S.A. 2005 Supp. 21-
41 3412a and amendments thereto, or any other misdemeanor under
42 federal, municipal or state law that has as an element the use or
43 attempted use of physical force, or the threatened use of a deadly

1 **weapon, committed by a current or former spouse, parent, or**
 2 **guardian of the victim, by a person with whom the victim shares a**
 3 **child in common, by a person who is cohabiting with or has co-**
 4 **habited with the victim as a spouse, parent or guardian, or by a**
 5 **person similarly situated to a spouse, parent or guardian of the**
 6 **victim.**

7 ~~(j)~~ *(k)* **“Auxiliary personnel” means members of organized non-**
 8 **salaried groups which operate as an adjunct to a police or sheriff’s**
 9 **department, including reserve officers, posses and search and res-**
 10 **cue groups.**

11 *(l)* **“Active law enforcement certificate” means a certificate which at-**
 12 **tests to the qualification of a person to perform the duties of a law en-**
 13 **forcement officer and which has not been suspended or revoked by action**
 14 **of the Kansas commission on peace officers’ standards and training and**
 15 **has not lapsed by operation of law as provided in K.S.A. 74-5622, and**
 16 **amendments thereto.**

17 **Sec. 8. K.S.A. 74-5603 is hereby amended to read as follows:**
 18 **74-5603. (a) There is hereby created within the division of contin-**
 19 **uing education of the university of Kansas a law enforcement train-**
 20 **ing center, to be located at the former site of the U. S. naval air**
 21 **station in Reno county. The purpose and function of such training**
 22 **center shall be the promotion and development of improved law**
 23 **enforcement personnel and procedures throughout the state, and**
 24 **the training center shall offer to qualified applicants, as defined**
 25 **in K.S.A. 74-5605 and amendments thereto, such programs and**
 26 **courses of instruction designed to fulfill this end. No person shall**
 27 **enroll in a basic course of instruction at the Kansas law enforcement**
 28 **training center unless the person holds a provisional law enforcement**
 29 **certificate.**

30 *(b)* **The dean, upon consultation with and approval of the commission,**
 31 **shall appoint a director of police training. The dean shall also appoint**
 32 **such additional personnel as deemed necessary to carry out the law en-**
 33 **forcement training programs of the training center. Such personnel,**
 34 **whether administrative, instructional or research, shall be in the unclas-**
 35 **sified service under the Kansas civil service act.**

36 ~~(b)~~ *(c)* **The director of police training shall be responsible for the**
 37 **administration of the training center and for the operation of the**
 38 **programs thereunder. The director of police training shall be re-**
 39 **sponsible for determining the curriculum of the program, subject**
 40 **to such changes and modification as are directed by the law en-**
 41 **forcement training commission. In consultation with the law enforce-**
 42 **ment training commission, the director of police training may pre-**
 43 **scribe a code of conduct applicable to all trainees at the Kansas law**

1 *enforcement training center. Upon consultation with and approval of*
 2 **the law enforcement training commission, the director of police train-**
 3 **ing is authorized to adopt such rules and regulations as are nec-**
 4 **essary for the effective operation of the law enforcement training**
 5 **program.**

6 ~~(c) The dean, upon consultation with and the approval of the com-~~
 7 ~~mission, shall appoint a director of police training. The dean shall also~~
 8 ~~appoint such additional personnel as is deemed necessary to carry out the~~
 9 ~~law enforcement training programs of the training center, and such per-~~
 10 ~~sonnel, whether administrative, instructional or research, shall be in the~~
 11 ~~unclassified service under the Kansas civil service act.~~

12 (d) *Kansas commission on peace officers' standards and training shall*
 13 *appoint a director who shall be in the unclassified service under the Kan-*
 14 *sas civil service act.*

15 (1) *The director shall serve at the pleasure of the Kansas commission*
 16 *on peace officers' standards and training and shall be subject to removal*
 17 *by vote of $\frac{3}{4}$ of the entire commission membership.*

18 (2) *The director shall enter into contracts necessary to administer the*
 19 *provisions of the Kansas law enforcement training act.*

20 (3) *The director may appoint employees, agents and consultants as*
 21 *the director considers necessary and prescribe their duties.*

22 (4) *The director shall be a law enforcement officer. The director may*
 23 *designate any other employee of the Kansas commission on peace officers'*
 24 *standards and training as a law enforcement officer. The director and any*
 25 *employee designated as a law enforcement officer by the director shall*
 26 *possess all powers and privileges which are now or may hereafter be given*
 27 *to an agent of the Kansas bureau of investigation and may exercise such*
 28 *powers and privileges throughout the state.*

29 **Sec. 9. K.S.A. 74-5604a is hereby amended to read as follows:**
 30 **74-5604a. (a) The director of police training may establish a program**
 31 **for periodically extending the law enforcement training and instruc-**
 32 **tion of the training center throughout the state on a regional basis.**
 33 **The director also shall of police training also may certify annually the**
 34 **training schools of state and local law enforcement agencies pro-**
 35 **viding a course of law enforcement training for full-time police**
 36 **officers or law enforcement officers of not less than 320 hours of**
 37 **instruction, and whose when such training programs also satisfy the**
 38 **qualifications and standards promulgated by the director of police**
 39 **training after approval of the commission and when such programs**
 40 **satisfy a demonstrated training need not met by existing programs. The**
 41 **director of police training shall establish a course in basic law en-**
 42 **forcement training of not less than 80 hours for part-time police of-**
 43 **ficers or law enforcement officers, approved by the commission,**

1 to be provided at the training center and certified state and local
2 law enforcement training schools. In addition, after the general
3 election of each election year and prior to January 1 of the next
4 succeeding year, and at such other times as the director of police
5 training deems necessary, the director of police training shall com-
6 mence a training course for persons elected to the office of sheriff
7 at the preceding general election.

8 (b) The director of police training shall conduct a pretraining
9 evaluation of applicants for admission to the course for law en-
10 forcement officers conducted by the training center or to any cer-
11 tified state or local law enforcement training school to assure that
12 each applicant is qualified to serve as a law enforcement officer.
13 The director of police training shall adopt minimum standards,
14 which shall receive prior approval by the commission, to be con-
15 sidered in the pretraining evaluation. The director of police training
16 shall advise the city, county or state agency, railroad, school district
17 or community college authorizing the applicant to attend the train-
18 ing center or certified state or local law enforcement training
19 school of the results of the pretraining evaluation. The director of
20 police training, with approval of the commission, may reject an ap-
21 plicant to the training center who does not meet the minimum
22 pretraining standards.

23 Sec. 10. K.S.A. 2005 Supp. 74-5605 is hereby amended to read
24 as follows: 74-5605. (a) Every applicant for admission to a course for
25 police officers or law enforcement officers conducted by the training cen-
26 ter certification shall be an employee of a state, county or city law
27 enforcement agency, a municipal university police officer, a rail-
28 road policeman appointed pursuant to K.S.A. 66-524, and amend-
29 ments thereto; an employee of the tribal law enforcement agency
30 of an Indian nation that has entered into a tribal-state gaming com-
31 pact with this state; or a school security officer designated as a
32 school law enforcement officer pursuant to K.S.A. 72-8222, and
33 amendments thereto. Prior to admission to a course conducted at
34 the training center or at a certified state or local law enforcement
35 agency, the applicant shall furnish to the director of police training
36 a statement from the applicant's appointing authority or agency
37 head certifying the applicant's fulfillment of the following require-
38 ments. The applicant:

- 39 (1) Is a United States citizen;
- 40 (2) has been fingerprinted and a search of local, state and na-
41 tional fingerprint files has been made to determine whether the
42 applicant has a criminal record;
- 43 (3) has not been convicted, does not have an expunged convic-

- 1 tion, and on and after July 1, 1995, has not been placed on diver-
2 sion by any state or the federal government for a crime which is a
3 felony or its equivalent under the uniform code of military justice;
- 4 (4) has not been convicted, does not have an expunged convic-
5 tion, has not been placed on diversion by any state or the federal
6 government for a misdemeanor crime of domestic violence or its
7 equivalent under the uniform code of military justice, when such
8 misdemeanor crime of domestic violence was committed on or af-
9 ter the effective date of this act;
- 10 (5) is the holder of a high-school diploma or furnishes evidence
11 of successful completion of an examination indicating an equiva-
12 lent achievement;
- 13 (6) is of good moral character;
- 14 (7) has completed a psychological test approved by the com-
15 mission;
- 16 (8) is free of any physical or mental condition which might ad-
17 versely affect the applicant's performance of a police officer's or
18 law enforcement officer's duties; and
- 19 (9) is at least 21 years of age.
- 20 ~~(b) The provisions of paragraph (1) of subsection (a) shall not apply~~
21 ~~to a Canadian citizen with prior law enforcement experience who resides~~
22 ~~in Stevens county. This subsection shall expire on July 1, 2006.~~
- 23 ~~(c) (b) The provisions of paragraph (1) of subsection (a) shall~~
24 ~~not apply to a citizen of the United Kingdom with prior law en-~~
25 ~~forcement experience who resides in Finney county. This subsec-~~
26 ~~tion shall expire on July 1, 2007.~~
- 27 Sec. 11. K.S.A. 74-5606 is hereby amended to read as follows:
28 74-5606. (a) There is hereby created the Kansas law enforcement
29 training commission on peace officers' standards and training which
30 shall consist of 12 members which shall include:
- 31 (1) The superintendent of the Kansas highway patrol, or the
32 superintendent's designee;
- 33 (2) the director of the Kansas bureau of investigation, or the
34 director's designee;
- 35 (3) a sheriff of a county having a population of 50,000 or more,
36 to be selected by the governor who shall consider, but not be lim-
37 ited to, a list of three nominees submitted therefor by the Kansas
38 sheriffs' association;
- 39 (4) a sheriff of a county having a population of less than 50,000
40 and more than 10,000, to be selected by the governor who shall
41 consider, but not be limited to, a list of three nominees submitted
42 therefor by the Kansas sheriffs' association;
- 43 (5) a sheriff of a county having a population of 10,000 or less,

- 1 to be selected by the governor who shall consider, but not be lim-
2 ited to, a list of three nominees submitted therefor by the Kansas
3 sheriffs' association;
- 4 (6) a chief of police of a city of the first class, to be selected by
5 the governor who shall consider, but not be limited to, a list of
6 three nominees submitted therefor by the Kansas association of
7 chiefs of police;
- 8 (7) a chief of police of a city of the second class, to be selected
9 by the governor who shall consider, but not be limited to, a list of
10 three nominees submitted therefor by the Kansas association of
11 chiefs of police;
- 12 (8) a chief of police of a city of the third class, to be selected
13 by the governor who shall consider, but not be limited to, a list of
14 three nominees submitted therefor by the Kansas association of
15 chiefs of police;
- 16 (9) a training officer from a certified state or local law enforce-
17 ment training school, to be selected by the governor who shall
18 consider, but not be limited to, a list of three nominees submitted
19 therefor by the Kansas peace officers association;
- 20 (10) a full-time, commissioned law enforcement officer em-
21 ployed by either a state, county or city agency, to be selected by
22 the governor who shall consider, but not be limited to, a list of
23 three nominees submitted therefor by the fraternal order of po-
24 lice;
- 25 (11) a county or district attorney, or an assistant county or dis-
26 trict attorney, to be selected by the governor who shall consider,
27 but not be limited to, a list of three nominees submitted therefor
28 by the county and district attorneys' association; and
- 29 (12) a member representing the public at large who is not as-
30 sociated with law enforcement, selected by the governor to serve
31 as chairperson.
- 32 (b) Each person initially appointed to a position described in
33 subsection (a)(6), (a)(7), (a)(8), (a)(9) or (a)(12) shall serve for a two-
34 year term and thereafter the term of members appointed to such
35 positions shall be four years. Each person appointed to a position
36 described in subsection (a)(3), (a)(4), (a)(5), (a)(10) or (a)(11) shall
37 serve for a four-year term. A person appointed to a position on the
38 commission shall resign such position upon vacating the office or
39 position which qualified such person to be appointed as a member
40 of the commission in that position. Vacancies in any position shall
41 be filled in the same manner as original appointments.
- 42 (c) Membership on the commission shall not constitute holding
43 a public office, and members of the commission shall not be re-

1 required to take and file oaths of office before serving on the com-
2 mission and shall not be required to be bonded. No member of the
3 commission shall be disqualified from holding any public office or
4 employment by reason of the member's appointment to or mem-
5 bership on the commission and no such member shall forfeit any
6 such office or employment by reason of the member's appointment
7 under this section, notwithstanding the provision of any law or
8 ordinance. *Membership of members employed by a city or county shall*
9 *be deemed for all purposes a duty of the member's employment by such*
10 *city or county.*

11 **Sec. 12. K.S.A. 2005 Supp. 74-5607 is hereby amended to read**
12 **as follows: 74-5607. (a) In addition to other powers and duties pre-**
13 **scribed by law, the commission shall adopt, in accordance with the**
14 **provisions of K.S.A. 77-415 et seq., and amendments thereto, rules**
15 **and regulations necessary to carry out the provisions of subsection**
16 **(c) of K.S.A. 74-5616, and amendments thereto, and such other**
17 **rules and regulations as necessary to administer this act. The com-**
18 **mission may also adopt such rules of procedure as are necessary**
19 **for conducting the business of the commission.**

20 **(b) In all matters pending before the commission, the commis-**
21 **sion shall have the power to:**

22 **(1) Administer oaths and take testimony;**

23 **(2) issue subpoenas, compel the attendance of witnesses and**
24 **the production of any papers, books, accounts, documents and tes-**
25 **timony, and to cause the deposition of witnesses, either residing**
26 **within or without the state, to be taken in the manner prescribed**
27 **by law for taking depositions in civil actions in the district courts.**
28 **In case of the failure of any person to comply with any subpoena**
29 **issued on behalf of the commission, or on the refusal of any witness**
30 **to testify to any matters regarding which the witness may be law-**
31 **fully interrogated, the district court of any county, on application**
32 **of a member of the commission, may require compliance by pro-**
33 **ceedings for contempt, as in the case of failure to comply with a**
34 **subpoena issued from such court or a refusal to testify in such**
35 **court. Each witness who appears before the commission by its or-**
36 **der or subpoena, other than a state officer or employee, shall re-**
37 **ceive for such attendance the fees and mileage provided for wit-**
38 **nesses in civil cases in courts of record which shall be audited and**
39 **paid upon presentation of proper vouchers sworn to by such wit-**
40 **nesses and approved by the chairperson of the commission or by**
41 **a person or persons designated by the chairperson;**

42 **(3) enter into contracts necessary to administer the provisions**
43 **of this act and the certification of law enforcement officers; and**

1 (4) assess the costs of such matters pending before the com-
2 mission under this section against the governmental entity em-
3 ploying the police officer or law enforcement officer.

4 (c) ~~Members of the law enforcement training~~ commission attend-
5 ing meetings of the commission, or attending a subcommittee
6 meeting authorized by the commission, shall be paid amounts pro-
7 vided for in subsection (e) of K.S.A. 75-3223, and amendments
8 thereto. ~~The director and the chairperson of the commission~~ shall be
9 responsible for approving all expense vouchers of members.

10 (d) The commission shall meet at least once each year at the
11 training center and may hold ~~special~~ *other* meetings whenever they
12 are called by the chairperson.

13 (e) The commission shall adopt the rules and regulations that
14 are necessary to ensure that law enforcement officers are ade-
15 quately trained and to enforce the provisions of this act. Such rules
16 and regulations shall include, but are not limited to, the establish-
17 ment of a course of fire as a standard qualification for active law
18 enforcement officers to carry firearms that may also be used for
19 qualified retired officers to carry firearms pursuant to federal law.
20 The director shall provide qualification opportunities for qualified
21 retired officers at least twice a year at the times and places the
22 director determines to be necessary. The training center shall
23 charge and collect a fee from retired state, local and federal offi-
24 cers for the qualification opportunities, but these fees shall be lim-
25 ited to the actual costs of presenting the standard qualifications
26 course.

27 **Sec. 13. K.S.A. 74-5607a is hereby amended to read as follows:**
28 **74-5607a. (a)** ~~No person shall receive a permanent appointment~~ *The*
29 *commission shall not issue a certification as a full-time police officer*
30 **or law enforcement officer; unless such officer has been awarded**
31 **a certificate attesting to satisfactory completion of a full-time officer**
32 **basic course of not less than 320 hours of accredited instruction at**
33 **the training center or at a certified state or local law enforcement**
34 **training school or has been awarded such a certificate for not less**
35 **than the number of hours of instruction required by the Kansas**
36 **law enforcement training act at the time such certificate was issued**
37 **or received a permanent appointment as a full-time police officer**
38 **or law enforcement officer prior to July 1, 1969, or was appointed**
39 **a railroad policeman pursuant to K.S.A. 66-524, and amendments**
40 **thereto, on or before January 1, 1982. No person shall receive a**
41 ~~permanent appointment~~ *certification as a part-time police officer or*
42 **law enforcement officer; unless such officer has been awarded a**
43 **certificate attesting to the satisfactory completion of the basic course**

1 ~~of not less than 80 hours of accredited~~ *a part-time officer basic course of*
2 **instruction in law enforcement at the training center or at a cer-**
3 **tified state or local law enforcement training school.**

4 **(b) Beginning the second year after certification, every full-**
5 **time police officer or law enforcement officer shall complete an-**
6 **nually 40 hours of law enforcement education or training in sub-**
7 **jects relating directly to law enforcement. Failure to complete such**
8 **training shall be grounds for suspension from work without pay**
9 **until such training is completed. The director with the approval of**
10 **the commission shall adopt rules and regulations regarding such**
11 **education or training. Every city, county and state agency shall**
12 ~~annually~~ **send to the director certified reports of the completion of**
13 **such education or training. The director shall maintain a record of**
14 **the reports in the central registry.**

15 **(c) Subject to the provisions of subsection (d):**

16 **(1) Any person who is appointed or elected as a police officer**
17 **or law enforcement officer and who does not hold a certificate as**
18 **required by subsection (a) may be elected or appointed as an officer**
19 ~~on a provisional basis for a period of not more than one year. Any person~~
20 ~~appointed as a police officer or law enforcement officer on a provisional~~
21 ~~basis who does not receive the certificate required under subsection (a)~~
22 ~~within one year following the date of the person's original election or~~
23 ~~appointment shall forfeit such office or position at the end of such one-~~
24 ~~year period. Any person appointed as a police officer or law enforcement~~
25 ~~officer on a provisional basis who does not receive the certificate required~~
26 ~~under subsection (a) within one year following such original appointment~~
27 ~~shall not be reappointed as a police officer or law enforcement officer on~~
28 ~~a provisional basis within one year following the date on which such per-~~
29 ~~son last served as a police officer or law enforcement officer issued a~~
30 ~~provisional certificate for a period of one year. The director may extend~~
31 ~~the one-year period for the provisional certificate if in the director's de-~~
32 ~~termination the extension would not constitute an intentional avoidance~~
33 ~~of the requirements of subsection (a). If a person's provisional certificate~~
34 ~~expires or is revoked, the person shall not be issued another provisional~~
35 ~~certificate within one year of the expiration or revocation. A provisional~~
36 ~~certificate shall be revoked upon dismissal from any basic training pro-~~
37 ~~gram authorized by K.S.A. 74-5604a, and amendments thereto. A provi-~~
38 ~~sional certificate may be revoked upon voluntary withdrawal from any~~
39 ~~basic training program authorized by K.S.A. 74-5604a, and amendments~~
40 ~~thereto.~~

41 **(2) Any police officer or law enforcement officer who does not**
42 **complete the education or training required by subsection (b) by**
43 **the date such education or training is required to have been com-**

1 **pleted shall be subject to revocation or suspension of certification**
2 **and loss of the officer's office or position.**

3 ~~(d) The director may extend the one-year time period for the 320~~
4 ~~hour basic reciprocity school or 80-hour part-time school and may ex-~~
5 **extend, waive or modify the annual continuing education require-**
6 **ment, when it is shown that the failure to comply with the require-**
7 **ments of subsection (a) or (b) was not due to the intentional**
8 **avoidance of the law.**

9 **Sec. 14. K.S.A. 74-5608a is hereby amended to read as follows:**
10 **74-5608a. (a) The director may, in the exercise of discretion, award**
11 **a certificate attesting to the satisfactory completion of a basic course of**
12 **instruction to any person who has been duly certified under the laws**
13 **of another state or territory if, in the opinion of the director, the**
14 **requirements for certification in such other jurisdiction equal or**
15 **exceed the qualifications required to complete satisfactorily the**
16 **basic course of instruction at the training center.**

17 **(b) The director may waive any number of the hours or courses**
18 **required to complete the basic course of instruction at the training**
19 **center, 80-hour part-time school, reciprocity school or for the hours**
20 **required for annual continuing education for any person who, in**
21 **the opinion of the director, has received sufficient training or ex-**
22 **perience that such hours of instruction at the training center would**
23 **be, unless waived, unduly burdensome or duplicitous.**

24 **Sec. 15. K.S.A. 74-5611 is hereby amended to read as follows:**
25 **74-5611. The director of the law enforcement academy *police training***
26 **shall annually report to the attorney general of the state of Kansas**
27 **the names of all persons who attended *said academy law enforcement***
28 ***training center* during each training year.**

29 **Sec. 16. K.S.A. 2005 Supp. 74-5611a is hereby amended to**
30 **read as follows: 74-5611a. (a) The *director commission* shall establish**
31 **and maintain a central registry of all Kansas police officers or law**
32 **enforcement officers. The purpose of the registry is to be a re-**
33 **source for all agencies who appoint or elect police or law enforce-**
34 **ment officers to use when reviewing employment applications of**
35 **such officers. The registry shall be made available only to those**
36 **agencies who appoint or elect police or law enforcement officers.**

37 **(b) The director shall provide forms for registration and shall**
38 **refuse any registration not submitted on such form in full detail.**

39 **(c) Within 30 days of appointment, election or termination,**
40 **every city, county and state agency, every school district and every**
41 **community college shall submit the name of any person appointed**
42 **or elected to or terminated from the position of police officer or**
43 **law enforcement officer within its jurisdiction.**

1 (d) Upon termination, the agency head shall include a report
2 explaining the circumstances under which the officer resigned or
3 was terminated. Such termination report shall be available to the
4 terminated officer and any law enforcement agency to which the
5 terminated officer later applies for a position as a police officer or
6 law enforcement officer. The terminated officer may submit a writ-
7 ten statement in response to the termination and any such state-
8 ment shall be included in the registry file concerning such officer.
9 The director shall adopt a format for the termination report.

10 (e) The agency, agency head and any officer or employee of
11 the agency shall be absolutely immune from civil liability:

12 (1) For the report made in accordance with subsection (d); and

13 (2) when responding in writing to a written request concerning
14 a current or former officer from a prospective law enforcement
15 agency of that officer for the report made in accordance with sub-
16 section (d) and for the disclosure of such report.

17 **Sec. 17. K.S.A. 74-5616 is hereby amended to read as follows:**

18 **74-5616. (a)** ~~To be eligible for permanent appointment as a police officer~~
19 ~~or law enforcement officer, a person must first be certified to perform~~
20 ~~the function of law enforcement by the Kansas law enforcement training~~
21 ~~commission~~ *No person shall be appointed as a full-time law enforcement*
22 *officer unless the person holds a full-time active law enforcement certifi-*
23 *cate or a provisional law enforcement certificate. No person shall be ap-*
24 *pointed as a part-time officer unless the person holds a full-time active*
25 *law enforcement certificate, a part-time active law enforcement certificate*
26 *or a provisional certificate. The commission's certification shall be*
27 **awarded to persons who:**

28 (1) ~~Are at least 21 years of age, have successfully completed or sat-~~
29 ~~isfied the training requirements specified by subsection (a) of K.S.A. 74-~~
30 ~~5607a and amendments thereto and meet the requirements of K.S.A. 74-~~
31 ~~5605 and amendments thereto;~~ (2) **Received a permanent**
32 **appointment as a police officer or law enforcement officer prior**
33 **to July 1, 1969; or** (3)

34 (2) **hold a permanent appointment as a police officer or law**
35 **enforcement officer on July 1, 1983.**

36 (b) **The commission may suspend, revoke, reprimand, censure or**
37 **deny the certification of a police officer or law enforcement officer**
38 **who:**

39 (1) **Fails to meet the requirements of K.S.A. 74-5605 or 74-**
40 **5607a, and amendments thereto, or has met such requirements by**
41 **falsifying documents or failing to disclose information required for**
42 **certification;**

43 (2) *fails to meet and maintain the minimum standards for certification*

1 *adopted by the commission;*

2 (3) *provides false information or otherwise fails to cooperate in a com-*
3 *mission investigation to determine a person's suitability for law enforce-*
4 *ment certification;*

5 (4) *fails to complete the annual continuing education required by*
6 *K.S.A. 74-5607a, and amendments thereto, and implementing rules and*
7 *regulations or otherwise fails to comply with the requirements of this act;*
8 *or*

9 (5) *fails to maintain the requirements for initial certification as set*
10 *forth in K.S.A. 74-5605, and amendments thereto, and any implementing*
11 *rules and regulations.*

12 (c) **The commission shall immediately institute proceedings to**
13 **revoke the certification of any police officer or law enforcement**
14 **officer convicted of, or on or after July 1, 1995, diverted for a**
15 **felony under the laws of this state, another state or the United**
16 **States or of its equivalent under the uniform code of military jus-**
17 **tice or convicted of or diverted for a misdemeanor crime of do-**
18 **mestic violence under the laws of this state, another state or the**
19 **United States or of its equivalent under the uniform code of mili-**
20 **tary justice, when such misdemeanor crime of domestic violence**
21 **was committed on or after the effective date of this act.**

22 (d) **The procedure for the public or private censure, reprimand,**
23 **probation, suspension, revocation and denial of certification**
24 **of a person as a police officer or law enforcement officer or an**
25 **applicant for certification shall be in accordance with the Kansas**
26 **administrative procedure act.**

27 (e) **Any action of the commission pursuant to subsection (d) is**
28 **subject to review in accordance with the act for judicial review and**
29 **civil enforcement of agency actions. Upon request of the commission,**
30 **the attorney general shall prosecute or defend any action for re-**
31 **view on behalf of the state, but the county or district attorney of**
32 **the county where the police or law enforcement officer has been**
33 **employed as such shall appear and prosecute or defend such action**
34 **upon request of the attorney general or commission. The commission**
35 **may elect to retain the services of a private attorney to appear and pros-**
36 **ecute or defend any action on behalf of the commission.**

37 **Sec. 18. K.S.A. 74-5617 is hereby amended to read as follows:**
38 **74-5617. (a) Every candidate for permanent appointment to a po-**
39 **sition as a police officer or law enforcement officer shall meet the**
40 **minimum training criteria specified in K.S.A. 74-5605 and amendments**
41 **thereto and shall have attained 21 years of age hold permanent or pro-**
42 **visional certification.**

43 (b) **For the purpose of determining the eligibility of an indi-**

1 **vidual for certification under this act, the commission may require**
2 **the submission of training and education records, and experience**
3 **history, medical history, medical examination reports and records,**
4 **and interview appraisal forms.**

5 **(c) Law enforcement agencies in Kansas shall be responsible**
6 **for their agency's observance of the hiring requirements of this**
7 **section.**

8 **(d) No law enforcement agency head or other appointing au-**
9 **thority shall knowingly permit the hiring of any person in violation**
10 **of the requirements of this act, or knowingly permit the continued**
11 **employment of any person as a law enforcement officer after re-**
12 **ceiving written notice from the commission that the person has had**
13 ~~such person's certification revoked as provided for under this act~~ *does not*
14 *hold an active law enforcement certificate.* **No law enforcement agency**
15 **head or other appointing authority shall knowingly permit any aux-**
16 **iliary personnel who have been convicted of a felony offense under**
17 **the laws of Kansas or any other jurisdiction access to law enforce-**
18 **ment records or communication systems that are restricted under**
19 **state or federal law or appoint as a reserve officer auxiliary personnel**
20 **any person who does not meet the requirements of K.S.A. 74-5605**
21 **and amendments thereto. Any violation of the requirements of this**
22 **act shall be deemed to constitute misconduct in office and shall**
23 **subject the agency head or appointing authority to:**

24 **(1) Removal from office pursuant to K.S.A. 60-1205 and**
25 **amendments thereto; or (2) a civil penalty in a sum set by the court**
26 **of not to exceed \$500 for each occurrence of noncompliance in an**
27 **action brought in the district court** ~~by the attorney general or by the~~
28 ~~county or district attorney,~~ **which penalty shall be paid to the state**
29 **treasurer for deposit in the state treasury and credit to the state**
30 ~~general fund, if the action is brought by the attorney general, or paid to~~
31 ~~the county treasurer for deposit in the county treasury and credit to the~~
32 ~~county general fund, if the action is brought by the county or district~~
33 ~~attorney~~ *Kansas commission on peace officers' standards and training*
34 *fund.*

35 **(e) Whenever in the judgment of the commission any person**
36 **has engaged in any acts or practices which constitute a violation**
37 **of this act, or any rules and regulations of the commission, the**
38 **commission may make application to the district court, without**
39 **giving bond, for civil enforcement of this act or rules and regula-**
40 **tions in accordance with the act for judicial review and civil en-**
41 **forcement of agency actions. The district or county attorney of any**
42 **county shall at the request of the commission render such legal**
43 **assistance as necessary in carrying out the provisions of this act.**

1 Upon the request of the commission, the district or county attorney
2 of the proper county shall institute in the name of the state or
3 commission proceedings for appropriate relief, whether manda-
4 tory, injunctive or declaratory, preliminary or final, temporary or
5 permanent, equitable or legal, against any person regarding whom
6 a complaint has been made charging such person with the violation
7 of any provision of this act.

8 (f) The commission shall make such inquiry as necessary to de-
9 termine compliance with the requirements of this section and the
10 rules and regulations adopted under it.

11 (g) It shall be the responsibility of the agency head to ensure
12 that every police officer or law enforcement officer under their
13 supervision has the opportunity to receive the mandatory training
14 as prescribed in K.S.A. 74-5604a and amendments thereto.

15 **Sec. 19. K.S.A. 74-5619 is hereby amended to read as follows:**

16 **74-5619. (a) (1) There is hereby created in the state treasury the**
17 **law enforcement training center fund. All moneys credited to such**
18 **fund under the provisions of this act or any other law shall be**
19 **expended only for the purpose and in the manner prescribed by**
20 **law, including the expenditures for the operation of the Kansas law en-**
21 **forcement training commission to carry out its powers and duties as man-**
22 **dated by law.**

23 ~~(b)~~ **(2) All moneys received for assessments as provided pur-**
24 **suant to K.S.A. 74-5607, and amendments thereto, shall be remit-**
25 **ted to the state treasurer in accordance with the provisions of**
26 **K.S.A. 75-4215, and amendments thereto. Upon receipt of each**
27 **such remittance, the state treasurer shall deposit the entire**
28 **amount in the state treasury to the credit of the law enforcement**
29 **training center fund.**

30 *(b) There is hereby created in the state treasury the Kansas commis-*
31 *sion on peace officers' standards and training fund. All moneys credited*
32 *to such fund under the provisions of this act or any other law shall be*
33 *expended only for the purpose of the operation of the commission to carry*
34 *out its powers and duties as mandated by law. The director may apply*
35 *for and receive public or private grants, gifts and donations of money for*
36 *the commission. All moneys received from grants, gifts and donations shall*
37 *be remitted to the state treasurer in accordance with the provisions of*
38 *K.S.A. 75-4215, and amendments thereto. Upon receipt of each such re-*
39 *mittance, the state treasurer shall deposit the entire amount in the state*
40 *treasury to the credit of the Kansas commission on peace officers' stan-*
41 *dards and training fund.*

42 **(c) This section shall be part of and supplemental to the Kansas**
43 **law enforcement training act.**

1 **Sec. 20.** K.S.A. 74-5620 is hereby amended to read as follows:
2 **74-5620.** (a) There is hereby created in the state treasury the local
3 law enforcement training reimbursement fund. All expenditures
4 from the local law enforcement training fund shall: ~~(a)~~ (1) Be dis-
5 tributed to municipalities which participated in local law enforce-
6 ment training programs, certified by the ~~law enforcement training~~
7 commission, which existed prior to January 1, 1992, in accordance
8 with a distribution formula developed by the commission; ~~(b)~~ (2)
9 not exceed more than 100% of the actual training costs incurred
10 by the municipality in participating in the local law enforcement
11 training program; and ~~(c)~~ (3) be distributed for basic law enforce-
12 ment training and not be for any type of continuing law enforce-
13 ment training education programs. No money shall be expended
14 from this fund prior to January 1, 1993. Such distribution formula
15 shall provide that distribution be based on the number of individ-
16 uals trained and the cost per individual trained of each such mu-
17 nicipality. Any such distributions shall be reviewed on a year-to-
18 year basis and adjusted accordingly pursuant to the criteria
19 specified in this section. The ~~law enforcement training~~ commission
20 shall conduct a review of all local law enforcement training pro-
21 grams in which municipalities receiving expenditures pursuant to
22 this act are participating and shall require that all such law en-
23 forcement training programs report their costs in a standardized
24 format prescribed by the commission.

25 (b) *This section shall be part of and supplemental to the Kansas law*
26 *enforcement training act.*

27 **New Sec. 21.** (a) (1) Notwithstanding the provisions of K.S.A.
28 74-4971, and amendments thereto, on or after the effective date
29 of this act, the Kansas commission on peace officers' standards and
30 training shall affiliate with the Kansas police and firemen's retire-
31 ment system established under the provisions of K.S.A. 74-4951 et
32 seq., and amendments thereto, pursuant to the provisions of this
33 act for membership in the system of members of the staff of the
34 Kansas commission on peace officers' standards and training who
35 have been designated as law enforcement officers by the executive
36 director pursuant to K.S.A. 74-5603, and amendments thereto, and
37 successfully completed the required course of instruction for law
38 enforcement officers approved by the Kansas law enforcement
39 training center or are certified pursuant to the provisions of K.S.A.
40 74-5607a, and amendments thereto. For purposes of such affilia-
41 tion for membership in the system of such members, the Kansas
42 commission on peace officers' standards and training shall be con-
43 sidered a new participating employer. The Kansas commission on

1 peace officers' standards and training shall make application for
2 affiliation with such system in the manner provided by K.S.A. 74-
3 4954, and amendments thereto, to be effective on July 1 next fol-
4 lowing application. The Kansas commission on peace officers' stan-
5 dards and training shall affiliate for membership in the system of
6 such members for participating service credit.

7 (2) The Kansas commission on peace officers' standards and
8 training shall pay a sum sufficient to satisfy any obligations as cer-
9 tified by the board of trustees of the retirement system and the
10 employer contributions of the Kansas commission on peace offi-
11 cers' standards and training shall be as provided in subsection (1)
12 of K.S.A. 74-4967, and amendments thereto.

13 (b) (1) Each such member of the staff employed by the Kansas
14 commission on peace officers' standards and training on the date
15 of affiliation, may become a member of the Kansas police and fire-
16 men's retirement system on the first day of the payroll period of
17 such member, coinciding with or following the entry date of the
18 Kansas commission on peace officers' standards and training as
19 provided in this section, only by filing with the board of trustees
20 of the system, on or before the entry date of the Kansas commis-
21 sion on peace officers' standards and training as provided in this
22 section, a written election to become a member of the system. Fail-
23 ure to file such written election shall be presumed to be an election
24 not to become a member of the system. Such election, whether to
25 become or not to become a member, shall be irrevocable.

26 (2) Each such member of the staff of the Kansas commission
27 on peace officers' standards and training who is on an authorized
28 leave of absence or is in the military service on the entry date of
29 the Kansas commission on peace officers' standards and training
30 as provided in this section may become a member of the Kansas
31 police and firemen's retirement system on the first day of the first
32 payroll period of such member, coinciding with such member's
33 return to active employment and payroll of the Kansas commission
34 on peace officers' standards and training, only by filing with the
35 board of trustees of the system within 10 days after such return to
36 active employment a written election to become a member of the
37 system. Failure to file such written election shall be presumed to
38 be an election not to become a member of the system. Such elec-
39 tion, whether to become a member or not to become a member,
40 shall be irrevocable.

41 (c) Each such member who is employed as a member of the
42 staff of the Kansas commission on peace officers' standards and
43 training on or after the entry date of the Kansas commission on

1 peace officers' standards and training into the Kansas police and
2 firemen's retirement system as provided in this section shall be-
3 come a member of the Kansas police and firemen's retirement
4 system on the first day of such employment.

5 (d) If the Kansas commission on peace officers' standards and
6 training affiliates as provided in this act, the Kansas commission
7 on peace officers' standards and training and each member of the
8 staff who elects to become a member shall be subject to the pro-
9 visions of K.S.A. 74-4951 et seq., and amendments thereto, as ap-
10 plicable.

11 (e) The division of the budget of the department of adminis-
12 tration and the governor shall include in the budget and in the
13 budget request for appropriations for personnel services the
14 amount required to satisfy the employer's obligation under this act
15 as certified by the board of trustees of the system, and shall present
16 the same to the legislature for allowance and appropriations.

17 (f) The determination of retirement, death or disability bene-
18 fits shall be computed upon the basis of "credited service" as used
19 in K.S.A. 74-4951 et seq., and amendments thereto, but shall in-
20 clude only participating service with the person's participating em-
21 ployer, commencing on and after the effective date of affiliation
22 by the participating employer with the Kansas police and firemen's
23 retirement system.

24 [New Sec. 22. For tax years commencing after December 31,
25 2005, any business firm which contributes, gifts or donates to the
26 Kansas law enforcement training center to be used by the center
27 for the purpose of providing programs and courses of instruction
28 for full-time police officers and law enforcement officers designed
29 to fulfill the continuing education and training requirements of
30 such officers pursuant to K.S.A. 74-5607a, and amendments
31 thereto, shall be allowed a credit against the tax imposed by the
32 Kansas income tax act. The amount of such credit shall not exceed
33 50% of the total amount contributed, gifted or donated during the
34 taxable year by the business firm pursuant to this section. In no
35 event shall the total amount of credits allowed under this section
36 in any one tax year exceed the amount of money that the Kansas
37 law enforcement training commission has certified is necessary to
38 provide such continuing education and training programs and
39 courses of instruction for the fiscal year following such tax year.
40 The credit allowed by this section shall be deducted from the tax-
41 payer's income tax liability imposed by the Kansas income tax act
42 for the taxable year in which the contributions are made by the
43 taxpayer. If the amount of the credit allowed by this section ex-

1 ceeds the taxpayers' income tax liability imposed by the Kansas
2 income tax act for such taxable year, such excess may be carried
3 over for credit in the same manner in the succeeding taxable years
4 until the total amount of such credit is used. As used in this section,
5 "business firm" means any business entity authorized to do busi-
6 ness in the state of Kansas which is subject to the state income tax
7 imposed by the Kansas income tax act and any individual subject
8 to the state income tax imposed by the Kansas income tax act.]

9 Sec. ~~4-22~~. [23.] K.S.A. 12-1,120, 74-5603, 74-5604a, 74-5606,
10 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-
11 5620 and K.S.A. 2005 Supp. 12-4117, 20-362 and, 21-4619, 22-4604,
12 28-172a, 74-5602, 74-5605, 74-5607 and 74-5611a, are hereby re-
13 pealed.

14 Sec. ~~5-23~~. [24.] This act shall take effect and be in force from and
15 after its publication in the statute book.